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MEMO ENDORSED

January 11, 2008

By Facsimile

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street, Room 640
New York, NY 10007
Facsimile: (212) 805-6326

Re: Alhovsky v. Ryan, et. al., Docket No. 07 CV 7628

Dear Judge McMahon:

This office represents the defendants in the above-referenced matter. I write to request a further modification to the schedule for briefing defendants' motion to dismiss pursuant to Fed. R. Civ. Pro. 12(c) or, in the alternative, for summary judgment pursuant to Fed. R. Civ. Pro. 56 on the grounds that the individual defendants are entitled to qualified immunity on some or all of plaintiff's claims and that the City of New York and the Department of Parks and Recreation are entitled to judgment as a matter of law.

When I last wrote to your Honor on December 12, 2007, I indicated that because Mr. Alhovsky had to take an emergency trip to Moscow for a matter relating to his father's poor health, the parties had rescheduled plaintiff's deposition from December 10, 2007 to January 10, 2008. As a result, I asked that the briefing schedule for defendants' intended motion be set such that defendants would submit their motion on January 31, 2008, plaintiff would oppose the motion by February 14, 2008 and defendants would reply by February 21, 2008. In accordance with my representations, yesterday at 10:00 a.m., my co-counsel Suzette Rivera and I began taking Mr. Alhovsky's deposition. However, after several hours of questioning, Mr. Alhovsky became too tired to continue with the deposition. Mr. Alhovsky indicated at the beginning of the deposition that he was only able to have two-and-a-half to three hours of sleep the night before. Despite taking several breaks throughout the deposition, by 3:15 p.m., it was clear that Mr. Alhovsky could not continue to testify. At that point, Mr. Alhovsky was no longer able to remember the month when the encounter with the Police Department that gave rise to many of his claims took place, notwithstanding the fact that he had testified about the incident throughout

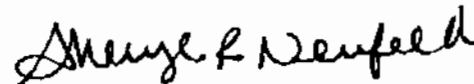
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the morning questioning. As a result, Ms. Rivera and I agreed with plaintiff's counsel, Robert Erlanger, that the remaining questioning should be put over to a time when plaintiff is able to testify in a more accurate and complete fashion. It is estimated that defendants have approximately one-and-a-half to two more hours of questions for plaintiff, and we have agreed with Mr. Erlanger that the plaintiff's deposition will continue at 2:00 p.m. on January 24, 2008.

We therefore request, with Mr. Erlanger's consent, that the briefing schedule for defendants' proposed motion be extended by two weeks such that defendants will submit their motion by February 14, 2008, plaintiff will oppose the motion by February 28, 2008 and defendants will reply by March 6, 2008.

We appreciate your Honor's consideration of this application, and respectfully request that you "so order" this letter.

Respectfully submitted,



Sheryl R. Neufeld (SK 2728)
Assistant Corporation Counsel

Cc: Robert Erlanger, Esq. (by email)